S.B. Criminal Misc. II Bail Application No. 2054/2006
(Rama & Anr. Vs. State of Rajasthan)

Date of Order: May 18, 2006

HON'BLE MR. H.R. PANWAR, J.

Mr. Kalu Ram Bhati, for the petitioners.
Mr. JPS Chaudhary, Public Prosecutor for the State.

This is second bail application. The first bail application came to be dismissed on 4-4-2006 as it was not pressed by the learned counsel for the petitioners appearing therein as at that time the matter was at the investigation stage.

Learned counsel for the petitioners submits that now the Challan has been filed.

I have heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the Challan papers. I have carefully gone through the statements of PW 1 to PW 5. All the five witnesses did not support the prosecution case and turned hostile.

It is contended by the learned counsel for the petitioners that the petitioners were not armed with Lathi and the allegation against them is that they gave beatings by fists and kick blows.

The Lathis have been recovered from co-accused

Onkar, Kailash and Ramesh.

Having regard to all the facts and circumstances of the case and and the fact that the petitioners were not armed with Lathis, I think it just and proper to enlarge the accused-petitioners on bail.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioners (1) Rama Ram S/o Nathu Meena, and (2) Gautam S/o Rama Meena be released on bail in FIR No. 51/2006, Police Station, Arnod, provided each of them executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R. PANWAR), J.

mcs